

GACU- 1615 \$

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Herm Snyder et al.

Atty. Docket No.: 0068.00

Examiner: Pulliam, Amy E.

Application No. 09/919,278

Group Art Unit: 1615

Filed: 07/31/2001

Title: APPARATUS AND PROCESS TO
PRODUCE PARTICLES HAVING A
NARROW SIZE DISTRIBUTION AND
PARTICLES MADE THEREBY

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CERTIFICATE OF MAILING

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Signed: Minnie Colter

12/17/2003 HDEMESS1 00000049 500348 09919278

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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

UNDER 37 CFR §1.56, §1.97 and §1.98

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

The references listed in the attached Form PTO/SB/08A and B may be material to examination of the above-identified patent application. Applicants submit these references in compliance with their duty of disclosure pursuant to 37 CFR §§1.56, 1.97, and 1.98. The Examiner is requested to make these citations of official record in this application.

This Information Disclosure Statement is not to be construed as a representation that a search has been made, that additional information material to the examination of this application does not exist, or that these references indeed constitute prior art.

Copies of the references are enclosed, as required under 37 CFR §§1.98. The references on the attached Form PTO/SB/08A and B identified by an asterisk (*) were previously cited by or submitted

Attorney Docket No. 0068.00

to the PTO in a prior application relied upon for an earlier filing date. Accordingly, in compliance with 37 CFR §§1.98 (d), copies of these references have not been provided.

This Information Disclosure Statement is being timely filed under 37 CFR §§1.97 and is being filed:

- ☐ within three months of the filing date of a national application; within three months of the date of entry of the national stage as set forth in section 1.491 in an international application; or before the mailing date of a first Office action on the merits (whichever event occurs last);
- ☒ more than three months from the filing date of an application and after the mailing date of a first Office action on the merits, but before the mailing date of either a final action under section 1.113 or a notice of allowance under section 1.311 (whichever occurs first), and is accompanied by:
 - ☒ the fee set forth in 37 CFR 1.17(p) for submission of an information disclosure statement under §1.97(c) (\$180.00); or
 - ☐ one of the following statements as specified in 37 CFR 1.97(e) that:
 - ☐ each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or
 - ☐ no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in section 1.56(c) more than three months prior to the filing of the information disclosure statement; or
- ☐ after the mailing date of either a final action under section 1.113 or a notice of allowance under section 1.311, but on or before the payment of the issue fee, and is accompanied by each of:
 - ☐ the following petition:

Applicant hereby requests consideration of the accompanying information disclosure statement;
 - ☐ the petition fee set forth in 37 CFR 1.17(i) (\$130.00); and
 - ☐ one of the following statements as specified in 37 CFR 1.97(e) that:

☐ each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or

☐ no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in section 1.56(c) more than three months prior to the filing of the information disclosure statement.

☐ Each item of information contained within this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement. Accordingly, this Information Disclosure Statement does not constitute a failure on the part of the Applicant to engage in reasonable efforts to conclude prosecution of the application as set forth in 37 CFR 1.704 "Reduction of period of adjustment of patent term."

☐ Attached is Check No. _ in the amount of \$0.

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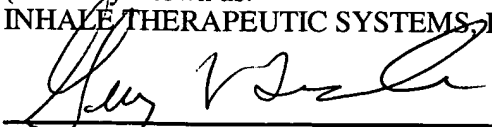
☒ If it is determined that any additional fees are due, the Commissioner is hereby authorized to charge such fees to Deposit Account 50-0348.

Respectfully submitted,

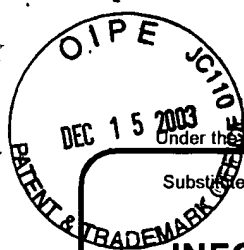
NEKTAR THERAPEUTICS
(Formally known as:
INHALE THERAPEUTIC SYSTEMS, INC.)

Dated: 10 DEC 03

By:


Guy V. Tucker
Reg. No. 45,302

150 Industrial Road
San Carlos, CA 94070
(650) 631-3100



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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 4**C mplete if Kn wn**

Application Number	09/919,278
Filing Date	07/31/2001
First Named Inventor	Herm Snyder et al.
Art Unit	1615
Examiner Name	Amy E. Pulliam
Attorney Docket Number	0068.00

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U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 5,855,913	01/05/1999	Hanes et al.	
		US- 5,874,064	02/23/1999	Edwards et al.	
		US- 5,997,848	12/07/1999	Patton et al.	
		US- 6,136,295	10/24/2000	Edwards et al.	
		US- 6,254,854	07/03/2001	Edwards et al.	
		US- 6,290,991	09/18/2001	Roser et al.	
		US- 6,331,310	12/18/2001	Roser et al.	
		US- 6,416,739	07/03/2002	Rogerson et al.	
		US- 6,451,349	09/17/2002	Robinson et al.	
		US- 6,503,480	01/07/2003	Edwards et al.	
		US- 6,565,885	05/20/2003	Tarara et al.	
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FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		WO 00/00176	01/06/2000	Quadrant Healthcare (UK) Ltd.		
		WO 00/09084	02/24/2000	Quadrant Healthcare (UK) Ltd.		
		WO 00/13668	03/16/2000	Quadrant Healthcare (UK) Ltd.		
		WO 01/03673	01/18/2001	Quadrant Holdings Cambridge Ltd.		

Examiner Signature		Date Considered	
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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Attorney Docket Number	0068.00

(Use as many sheets as necessary)

Sheet	2	of	4
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		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		WO 01/64188	09/07/2001	Quadrant Holdings Cambridge Ltd.		
		WO 01/87278	11/22/2001	Quadrant Healthcare (UK) Ltd.		
		WO 02/078675	10/10/2002	Advanced Inhalation Res., Inc.		
		WO 02/15876	02/28/2002	Quadrant Healthcare (UK) Ltd.		
		WO 03/000202	01/03/2003	Advanced Inhalation Res., Inc.		

Date
Considered

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Sheet	3	of	4
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[illegible]

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		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
		WO 96/03978	02/15/1996	Quadrant Holdings Cambridge Ltd.		
		WO 96/05809	02/29/1996	Quadrant Holdings Cambridge Ltd.		
		WO 97/28788	08/14/1997	Quadrant Holdings Cambridge Ltd.		
		WO 98/29097	07/09/1998	Quadrant Holdings Cambridge Ltd.		

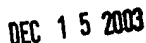
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Signature**

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Sheet	4	of	4
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Application Number	09/919,278
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Filing Date	07/31/2001
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First Named Inventor	Herm Snyder et al.
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Art Unit	1615
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Examiner Name	Amy E. Pulliam
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Attorney Docket Number	0068.00
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		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		WO 99/32083	07/01/1999	Quadrant Healthcare (UK) Ltd.		
		WO 99/33853	07/08/1999	Quadrant Holdings Cambridge Ltd.		

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